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THE KANSAS REPUBLICAN PARTY

MUR 6900

October 30, 2014

Lisa J. Stevenson
Deputy General Counsel
Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION
2014 NOV -3 AM 11:52
OFFICE OF GENERAL
COUNSEL

Dear Ms. Stevenson:

The Kansas Republican Party files this complaint against Greg Orman ("Orman"), Orman for U.S. Senate ("Orman Campaign", the Kansas Democratic Party, and the Allen County Democrats ("Kansas Democrats") (collectively, the "Respondents") with the Federal Election Commission ("Commission") in accordance with 52 USC § 30109(a)(1). Upon information and belief, there is reason to believe Respondents have violated the Federal Election Campaign Act, as amended (the "Act") and Commission regulations. This letter serves as a complaint and request for an immediate investigation of Greg Orman, the Orman Campaign and the Kansas Democrats.

The Kansas Democrats fought to have their nominee for United States Senate—the one Kansas Democratic voters had chosen via the primary election— removed from the ballot by supporting protracted and costly litigation before the Kansas Supreme Court. They even refused to name a replacement nominee for that office and thanked a judge for allowing them to leave the slot for their nominee blank in the general election.¹ Having won the right *not* to have a nominee for Senate, the Kansas Democrats must now live with the consequences and may not take advantage of the special rules for party nominees under Federal law to support Orman without limit or disclosure.

Federal law allows state party committees to support their nominees by making coordinated expenditures and running volunteer activities. Parties have traditionally used the volunteer exemption for activities such as get out the vote, printing and handing out bumper stickers and yard signs, door-to-door canvassing, and volunteer mail programs. But the Kansas Democrats are allowed to undertake these activities only on

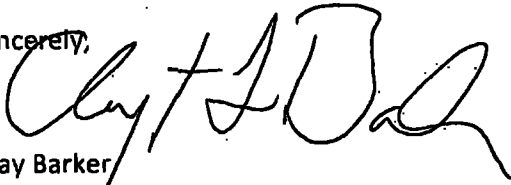
¹ "I'd like to thank the court for expediting and providing a resolution to this case," said Joan Wagnon, chairwoman of the state Democratic Party. "The Kansas Democratic Party is grateful for dismissing the case" Steve Fry, Judicial panel rules against Democrat who wanted replacement candidate in U.S. Senate race, Topeka Capital-Journal (Oct. 2, 2014).

behalf of their nominees—not independent, non-affiliated candidates such as Greg Orman.² Greg Orman may in fact be a stealth Democrat masquerading as an independent, but that charade does not qualify him as the Democrat “nominee” for purposes of federal campaign finance law. Any activities or expenditures made by the Kansas Democrats on behalf of Orman, then, are in-kind contributions to Orman and is subject to the \$5,000 combined state and local party contribution limit and reporting requirements.³

Various reports have indicated that the Kansas Democrats are supporting Greg Orman in numerous and unreported ways, apparently in violation of Federal law. Recent photographs taken of a Kansas Democrats field office located at 102 S. Washington in Iola, Kansas, obtained by the Kansas Republican Party, confirm that the party is in possession of Orman for Senate signs, apparently to be handed out in the same manner as campaign materials for their nominees. See Exhibit A. To date, no such activity has been reported by the Kansas Democratic Party or the Orman Campaign,⁴ potentially a violation of the Commission’s reporting requirements for all contributions and expenditures. 11 CFR § 104.3.

Accordingly, we respectfully request an immediate investigation into the activities of the Kansas Democratic Party and Orman Campaign to determine the full extent of this unreported activity and the full value of the Party’s activities on behalf of Orman including staff time, volunteer resources, and campaign material. The Commission should determine the extent of the apparent reporting violations, any excessive contributions made by the Kansas Democrats and received by the Orman campaign, and assign appropriate penalties if, at the conclusion of a robust investigation, there is evidence of violations of federal law.

Sincerely,



Clay Barker
Executive Director
Republican Party of Kansas

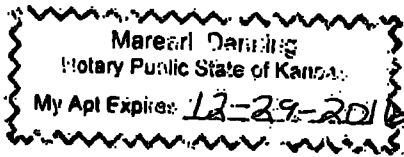
² 11 CFR § 100.147.

³ 11 CFR § 100.52(d) (“Unless specifically exempted . . . the provision of any goods or services without charge for such goods or services is a contribution.”); § 104.3; Contribution limits for 2014 are available at <http://www.fec.gov/pages/brochures/contriblimits.shtml#fn2>.

⁴ This includes reports of in-kind contributions or independent expenditures, though it would seem to defy credibility for Respondents to try to claim that such expenditures are somehow “independent” of the Orman Campaign, given the apparently close relationship between Orman and the Kansas Democrats since the Party supported the withdrawal of their nominee, Chad Taylor.

STATE OF KANSAS)
) SS.
COUNTY Of Johnson)

SUBSCRIBED AND SWORN before me this 30th day of October, 2014 in



Mareal Dandling
(Notary Public)

My appointment expires Dec. 29, 20 16

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